

1904-030 Chancery Causes: A. J. Ely vs. Mary J. Ely
Lee Co.

Wallens, Turner, Yeary, Hall

CA-Divorce
T-Vices

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia.

Humbly compalining your orator, A. J. Ely, would respectfully represent and show unto your honor, that on the _____ day of _____ 19____, he was legally married to one Mary J. Ely, and that they lived together as man and wife until your orator learned of acts hereinafter compalined of on the part of his said wife and that your said orator is now, and at the institution of this suit had been a citizen of this county and state for more than one year.

Your orator will show unto your honor that his said wife did, on the _____ day of _____, 1904, in the vicinity of Pennington Gap in said County, and at divers other times and places in said County within the last five years, and since her said marriage to your said orator commits acts of adultery with one Geo. Wallens and with divers other men, with out the consent, connivance or procurement of your said orator; nor has your said orator cohobated with his said wife, the said Mary J. Ely since he learned of said adulterous acts of his said wife.

Yours orator therefore is informed that he is entitled under the laws of Virginia, to have the bonds of matrimony now existing between him and his said wife dissolved, and to have said marriage annulled. And to that end he prays that the said Mary J. Ely be made a party defendant to this bill, and that she be required to answer the same, but she need not do so under oath, that being waived, that procees issue; that upon a final hearing of this cause, a degree be entered dissolving the bonds of matrimony now existing between your said orator and the said Mary J. Ely, and the said marriage annulled. And all such other further and general relief be granted your orator in the premises as may be just and right. And your orator will ever pray &c.

Geo. E. Ely p/q.

A. J. Ely. Full

vs. Bill in Chy.
Mary J Ely.

1904. No. 2nd Rules Bill
filed. Chas. Ely vs. D. M.
" 1st Decr. Rules. D. M. Cause
Cause set for hearing
by Plaintiff.

Clerk	\$ 5.62
Shff.	1.80
Atty	15.00
Hitz	2.00
	1.00
Com.	<u>\$ 25.42</u>

Decree final
Dec. Term 1904.

1900 to 1910

A. J. Ely

vs

Mary J. Ely

} In Chancery

This Cause came on this day to be heard upon the plaintiffs bill, and the deposition of witnesses. And it appearing that the defendant Mary J. Ely had been duly served with process according to law, and she appearing to neither demur or answer, the bill is taken for confessed. And was argued by counsel. And it appearing to the court that the allegations of the bill have been sustained by the depositions of witnesses, it is therefore adjudged ordered and decreed that the bonds of matrimony heretofore contracted between the plaintiff and the defendant, be and the same are hereby dissolved and annulled, and the said parties are hereby decreed to be sole and single. It is further adjudged ordered and decreed that the plaintiff recover of the defendant his costs, for which execution may issue. And this cause is dismissed from the docket.

A. J. Ely
vs } Ben Chancy
Mary J. Ely

Deer's Final

Entered in
C. O. B. No 7
page 546

Under this
J. A. W. Shes
Dec. R. 1864 Judge

To Mary J/Ely:

You are hereby notified that on the 8th day of Dec. 1904 at the office of J.C.Noel in Pennington Gap, Va., between the hours 9 o'clock A.M., and 4 o'clock P.M., I shall proceed to take the depositions of J.P.Ely and others, to be read in evidence in evidence in my behalf, in the suit in equity now depending in the circuit court for Lee County, Virginia, in which I am Plaintiff and you are defendant.

And if from any cause the taking of said depositions be not commenced, or if they be commenced, if they be not completed on that day, the taking thereof will be adjourned from time to time and from place to place, and from hour to hour until they shall be completed.

Respectfully,

A. J. Ely,
By Counsel.

A. J. Ely.

23 Notice to the Deponent.

Mary J. Ely.

Executed this 3rd
day of December, 1904,
by delivering a true
copy of the within
notice to Mary J. Ely.

J. F. Hughes D.S.

for P.M. Ball & Co.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU to summon James M. Ely, George B. Turner +
and Tom Geary + Abel Turner X

Geo. P. Cridlin Commissioner in Chief
to appear before the Judge of our Circuit Court of the County of Lee, at
his office in Leesville Virginia
the court-house thereof, on the 10th day of December, 1904, to testify and the
truth to say in behalf of the Plaintiff

in a certain matter of controversy
in our said court, before the said Judge depending and undetermined, between

A. J. Ely Plaintiff,
and

Mary J. Ely Defendant;
And have then there this writ. Witness H. T. Ewing, Clerk of

our said Court, at the court-house, the 7th day of Dec. 7, 1904, and in the
12 9th year of the Commonwealth.

H. T. Ewing, Clerk.

A. J. Ely

vs

SUBPOENA
FOR
WITNESS

Mary J. Ely

See Circuit Court,
the 10th day of Dec,

1904

Executed by summoning
Alice Turner this
Dec 9, 1904. E. J. Harris

Executed by summoning
Geo B Turner & Tom
yearly this Dec 9 1904
J. T. Hughes & S. J. For
P. M. Ball

The depositions of Alice
Turner, Thomas Gray and
Hop Hall taken before me
W.K. Hopkins a Commissioner
in chancery pursuant to the
notice hereto annexed at the
office of J. C. Noel in Farmington
Gap, Va. between the hours of
9 o'clock a.m. and 4 o'clock p.m. on
the 8th. day of December, 1904
to be read as evidence in behalf
of the plaintiff in a certain suit
in equity now depending in the
circuit court of Lee County Virginia
wherein H. J. Ely is plaintiff and
May J. Ely is defendant.

No witnesses appearing, the taking
of these depositions is adjourned
till Dec 10th 1904, at the same
place and between the same hours.

W.K. Hopkins

Com. in ch.

The taking of these depositions is res-
umed at the office of J. C. Noel in
Farmington Gap, Va. this Dec 10th 1904.
W.K. Hopkins Com.
in chancery.

~~Ques 1~~

Alice Turner, a witness of lawful age being duly sworn, deposes and says:

Ques 1

State your age and residence?

Ans

I am 35 years old, residence Pennington Gap, Va.

Ques 2

Are you acquainted with Mary J. ~~Turner~~^{Ealy} the defendant in this suit?

Ans

Yes, I have known her about 20 years

Ques 3

At any time within the last 12 months have you observed any intimacy between said Mary J. Ealy and any other man besides her husband A. J. Ealy? If so where was it, and who is the man?

Ans.

I saw her kiss Larry Drinion at her home the night her son Danny was married in Oct. 1904, and have seen her kiss him at other times during the last year. This was in the community of Pennington Gap. I also saw her and Larry Drinion at the same time and place sitting on the bed together with his arm

around her and his head resting
on her shoulder.

And further this defendant saith
not.

Wm Turner,

Thomas Gray, another witness of
lawful age, after first being duly
sworn deposes and says.

Ques 1 State your age residence
and occupation?

Ans I am 22 years old, reside at Pennington
Gap, and am a farmer.

Ques 2 Are you acquainted with Mary
J. Ely and Gary Dunova?

Ans Yes I know them both, have
with them a good deal.

Ques 3 Have you ever seen any intimate
or improper conduct of said parties toward
each other within the last 12 months,
if so what was it?

Ans Well I suppose so, at the home
of Denny Turner sitting on the
bed locked up together acting
rather loving toward each other.
On the same night in the kitchen

I saw them standing face to face
kissing each other. Her husband
A. J. Ely was not there.

And further this deponent saith not.
Tom Young

Ques (1) Hof Hall, a witness of lawful age
being duly sworn deposes and says:
State your age residence and
occupation?

Ans I am 28 years old, reside at
Perrinville Ky. Va. and am a farmer.

Ques (2) Are you acquainted with Gary Drenn
and Mary J. Ely?

Ans I am, have known Drenn 8 or six
months. Mrs. Ely for about 6 years.

Ques (3) Have you seen any improper
conduct between the said Mary J.
Ely and Gary Drenn in the last
12 months, if so tell what and
where it was?

Ans Yes Sir: one evening about dusk
I was passing along the road
near Miss Ely's house and I
heard something once in a little

sway and stepie over to see
what it was Larry Drinon
jumped up and ran, 2 days
hello and he made no answer, but
kept going, I saw something else
which looked white & lying
on the ground at the place
from which Drinon jumped
up, I stepped closer and found
it to be Mary J. Ely, she raised
up and brushed down her clothes
and said, dont you never tell
this, if you do Drew will leave
me and I said I tell nothing.
Next morning Drinon told
me at the breakfast table
that if I ever told what I
saw the evening before that
I would always wish I hadnt

Drew. What did Mrs. Ely mean by
"Drew will leave me"?

Ans Her husband name is A. J. Ely
and most every body calls him
Drew.

Ques

Have you seen any other improper conduct on the part of the defendant toward any other men? If so tell when, where, and what it was?

Ans.

Yes, Last summer, I saw her and a railroad foreman, dont know his name, having sexual connection about 150 Yards from the public road near Pennington Gap Va. Mrs Ely ran and the man ask me not to tell it and said I knew and he was good friends

And farther this defendant said that not.

Hopth Hall
mark

I hereby certify that the foregoing depositions of Alice Turner, Thomas Gray and Hop Hall were taken, subscribed and sworn to before me at the time and at the place mentioned in the caption. Witness my hand this 10th day of December, 1904.

W. K. Hopkins Com.
in Chancery.

A. J. Ely
vs } depositions

Mary J. Ely

Filed Dec 13th 1904
J. H. Goring
Clerk

Costs

Alice Turner, .50 pd by plaintiff
Thomas Zeay 50 " " "
Hob Hall 50 " " "
Commissioner 1.00 " " "

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Mary J. Ely

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held
for the said court, on the *3rd* Monday in *Nov.* *1897*, to answer a
bill in chancery exhibited against *her* in our said court by

A. J. Ely

And have then there this writ. Witness, *H. C. Ewing*, ~~A. B. Mensie~~, Clerk of our said Court, at the
court-house, the *19th* day of *November* *1897*, and in the 12^{*9th*} year of the
Commonwealth.

H. C. Ewing, Clerk.

A. J. Ely

vs. }

SUBPOENA

IN CHANCERY

Mary J. Ely

J. C. Hoel

p. q.

To

Ind. Gov.

Rules.

Sup. Circuit Court.
1904

Executed on Nov.
21st 1904 by delivery
being a true copy
of the within
summons to
Mary J. Ely
J. T. Hughes, D. S.
for P. M. Ball
S. C. C.